

In Defence of Plural Marriage:

A Refutation Of Those Who Claim That The Verses Of Polygyny Have Been Abrogated

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Polygyny is defined as an institution in which the husband has many wives. Polygyny is a more specific term than polygamy, as the latter can also refer to a woman who has multiple partners.

This article will critically examine the arguments of Asghar 'Alee Engineer, a feminist who claims that Islam abolished polygyny. Engineer was chosen, as his article concisely presents the anti-polygyny view and his opinions are shared by many 'Muslim' feminists. The socio-historic factors leading to this opinion will be explored. It will be shown that Islam upholds the institution of polygyny, and that such an institution is not unjust to women.

Polygyny has existed throughout history, and is not specific to Islam. In pre-Islamic Arabia a man could take as many wives as he liked, yet there was no obligation upon him to treat them justly, provide for them, or to abstain from extra-marital relations.

This state of affairs was contrary to the Islamic concept of justice and fairness. Islam came to regulate polygyny by limiting the number of wives to four, and laying down strict guidelines regarding their treatment. However, some deviants (from among the modernists and feminists) interpret the verses of polygyny as an implicit abolition of polygyny. The two verses in questions are:

"If you fear that you will not be able to deal justly with the orphans, marry the women of your choice, two, three or four, but if you fear that you will not be able to deal justly, then (marry) only one..."
(Soorah Nisaa': 4:3)

"You will never be able to be fair and just to women, even if it is your ardent desire." (Soorah Nisaa': 4:129)

The Argument Of The Feminists

According to Engineer, the implications of the above two verses is the abolition of polygyny. His argument is as follows: The first verse limited polygyny to four wives on condition that they were treated fairly and equally. The previous state of affairs in which a man would marry any number of women without any concern to their equitable treatment, was done away with. This was the first stage towards abolishing polygyny.

Then Allah revealed the second verse: **"You will never be able to be fair and just to women, even if it is your ardent desire."** This taken with the first verse: **"...but if you fear that you will not be able to deal justly, then (marry) only one"**, makes it clear (according to their understanding) that a man can only take one wife, as the second verse states that a man can never deal justly with more than one wife.

Furthermore, according to them, it is not for the individual man to decide whether he has the ability to treat his wives justly, but a matter for the judiciary. Hence in the rare cases where polygyny could be justified, it has to be through a court of law. Thus the intention of the Law Giver is that monogamy is the order of the day, and polygyny was only permitted due to the particular circumstances of the

seventh century Arabs. They would marry orphans and then misappropriate their wealth; hence Allah temporarily permitted polygyny to resolve that particular problem (Engineer, 2002: 6).

Reply to this Doubt: Some Background

We will first give a brief social and historical context to the development of the anti-polygyny stance. The colonial era (late eighteenth century onwards) was an age in which Europe dominated over the Muslim world. Technological innovation, military prowess and a strong intellectual tradition were seen as the hallmarks of the West. A number of different theories were put forward by Muslims to explain the decline of the Muslim world. One such theory was modernism; its chief proponent was Muhammad Abduh, the grand mufti of al-Azhar. The Muslim modernists sought to synthesise certain aspects of Western thought with Islam, through a process of *ijtihad*. Abduh considered the core values and principles of Islam immutable, however the practical application of these values (i.e. all aspects of Islamic law) had to adapt to the current socio-economic conditions. This deviated understanding of Islam meant that many aspects of the Sharee'ah (including polygyny) were, for the first time, being questioned under the guise of *ijtihad* and the need to adapt Islam to modern society.

It was in this context; the impact of colonialism and the counter reaction in the form of Muslim modernism that replacement of Sharee'ah law, (including polygyny) with European law occurred. The drive towards secularism gained further impetus from the feminist movement; they considered the replacement of Sharee'ah law as key to their emancipation. The outcome of these forces is that in most Muslim countries polygyny is now either banned, or strictly regulated.

Having examined the socio-historic factors that led some Muslims to oppose polygyny, we will now critically examine the arguments postulated by Engineer.

Refutation

Firstly, he argues that polygyny was temporarily permitted due to specific circumstances of the time, thus restricting the meaning of the verse to the *asbaab an-nuzul* (causes of revelation). Although the *asbaab an-nuzul* is essential in acquiring a proper understanding of the verse, we cannot ignore the legal maxim that: "...the consideration of a ruling comes from the generality of the wording and not the specificity of its causes of revelation." Engineer thus opposes a fundamental principle of Qur'aanic exegesis, and hence his argument the polygyny was temporarily permitted due to the plight of orphans, cannot be accepted.

Secondly, the command to treat the wives justly refers to matters of food, clothing, accommodation and sexual relations. It is possible for a man to be equitable in these aspects. But if a man feels that he will not be able to be equitable between his wives, he should marry only one.

With regards to the second verse: **"You will never be able to be fair and just to women, even if it is your ardent desire"**, Ibn Kathir explains that it refers to love and desire. This is also the opinion of Ibn 'Abbaas, one of the foremost scholars of the Qur'aan among the Companions. In terms of love, it is impossible for the man to ensure that his heart has equal love for all of his wives. However, in terms of treatment, the man must treat his wives equally. This point is borne out by the fact that after the Prophet (sall-Allaahu 'alayhi wa sallam) distributed certain items among his wives, he would supplicate to Allah saying: "This is my distribution which is in my control, but do not hold me responsible for what is in

your control and I have no control over.” The Prophet (sall-Allaahu ‘alayhi wa sallam) dealt justly with his wives in the matters that were within his control. However he loved for ‘Aa’isah more than his other wives; it was in this aspect in which there was an aspect of inequality. Hence the second verse does not imply that polygyny is abolished, it merely states that complete and absolute equality in all matters is not possible. In addition, the statement: **“If you fear that you will not be able to deal justly”**, implies that there will be situations in which a man will be able to deal justly.

Thirdly, if the intention of the two verses was to abolish polygyny, why did the Prophet (sall-Allaahu ‘alayhi wa sallam) not prevent his Companions from polygyny? Maalik reported in his Muwatta that one of the Companions upon embracing Islam had ten wives. The Prophet (sall-Allaahu ‘alayhi wa sallam) ordered him to: “Choose four out of them and give up the others.” If monogamy was the ideal, the Prophet (sall-Allaahu ‘alayhi wa sallam) would have ordered him to divorce nine and keep one. Throughout the life of the Prophet (sall-Allaahu ‘alayhi wa sallam) and well after his death, polygyny was the norm. To state otherwise leads one to conclude that either the entire Ummah was unaware of this ruling until twelve hundred years later or that the Companions were aware of this ruling, but deliberately disregarded it. Both possibilities are impossible.

The argument that polygyny leads to injustice to women can be refuted from a number of angles:

Firstly, the Muslim believes that everything that Allah orders, prohibits, or allows, is due to His perfect wisdom and knowledge. As such, Allah would never allow injustice, yet He allowed polygyny.

Secondly, Islam considers the welfare of the entire society and not only the welfare of the individual. Most countries have a surplus of women over men. Polygyny ensures that these women are able to fulfil their emotional and sexual needs, at the same time ensuring that the man takes full responsibility for them and their children. The alternative is a society that preaches monogamy, but in which extra-martial sex is common. The woman is left with a child, no husband to support her, the first wife is a victim of deceit and the man is absolved of all responsibility. Hence the benefits to society far outweigh the ‘harm’ to individual women.

Thirdly, the contention that the man will never be able to treat his wives justly in polygyny implicitly implies that in a monogamous relationship a man will treat his wife justly. However, preventing a man from taking a second wife, may lead him to divorce his first wife in favour of another woman, or to have an extra-martial affair. Neither outcome is desirable for the first wife, or her children.

In conclusion, Islam allows the man to take up to four wives on condition that he treats them equally and justly in terms of their food, clothing, accommodation and time. Such an allowance protects the sanctity of marriage, minimises the chances of extra-marital sex, and hence ensures the rights of women and children.

Polygyny is not the cause of injustice to women; the injustice is due to the lack of adherence to the teaching of Islam. Although the opponents of polygyny try to justify their views from the Qur’aan, their views are in fact a result of the influence of Western secularism and feminism.

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